

Clark County Rural Zoning Commission  
Regular Meeting – 8:30 a.m.  
Wednesday, September 14, 2005

County Offices – Municipal Courts  
Building  
Public Chambers  
5th Floor, 50 East Columbia Street  
Springfield, OH 45502

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# AGENDA

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1. **Minutes – August 10, 2005 (Regular)** *Discussion &  
Action*
  
2. **Rezoning Case     Ron Boling** *Discussion &  
Action*  
    Z-2005-5             Bethel Township ~ 14 acres  
    Northeast corner of Schiller Rd. and Lake Rd.  
    R-1 to B-2 (Community Business District)  
    **Public Hearing**
  
3. **Rezoning Case     Daniel E. Demmy** *Discussion &  
Action*  
    Z-2005-6             Mad River Township ~ 340.28 acres  
    5855 Enon Xenia Rd. and 8535 Dayton Springfield Rd.  
    A-1 to R-2 (Low Density Single-Family Residence District)  
    **Public Hearing**
  
4. **Rezoning Case     C. Merrill and L. Joy Flory, Trustees** *Discussion &  
Action*  
    Z-2005-7             Mad River Township ~ 14.79 acres  
    5779 Enon Xenia Road  
    A-1 to R-2 (Low Density Single-Family Residence District)  
    **Public Hearing**
  
5. **Staff Comments** *Discussion*
  
6. **Adjournment** *Action*

# Minutes

## Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 a.m.  
Wednesday, August 10, 2005

County Offices/Municipal Courts Building  
Public Chambers  
5<sup>th</sup> Floor, 50 East Columbia Street  
Springfield, Ohio

Mr. Tom Crosbie, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 8:30 a.m.

Present: Mr. Tom Crosbie, Mr. John Baird, Mr. Gary Cummins, and Mr. Ron Rhine (alternate).

### RZC: 8-12-2005: Minutes ~ July 13, 2005

Motion by Mr. Cummins, seconded by Mr. Rhine to approve the minutes as printed.

**VOTE:** Motion carried unanimously.

### Z-2005-3 Rezoning Case ~ White Oak Communities/Creekside Communities, Inc. ~ Mad River Township ~ 14.837 acres ~ 7689 Dayton Rd. ~ R-2 to PD-R (Planned Development (Residential) District) ~ Public Hearing

Mr. Tritle, Planning Staff, presented the report on the rezoning case submitted by White Oak Communities/Creekside Communities, Inc. He highlighted information contained in the staff report and on the maps and drawings.

◇ The County Engineer noted that:

1. Direct access to a major street is required when a development exceeds 4 units per acre.  
A public street will be built which will give direct access to Dayton Rd.
2. There is no street lighting proposed.
3. The public street must meet or exceed the design standards for a collector street.
4. Provisions for vehicular traffic are addressed by proposing a private street system within the condo community.
5. The developer will be required to provide storage for stormwater.

The County Engineer has no objection to the rezoning subject to the above comments.

◇ Soil Conservation:

1. An NPDES Permit (National Pollutant Discharge Elimination System) is required.
2. Common areas and open space will be managed and maintained for the long term.  
The condo association will be charged with responsibility for keeping all of the open areas (common areas) maintained.

Soil Conservation does not object to the proposed rezoning.

◇ The Utilities Department submitted issues which will be addressed during the subdivision phase.

◇ Mad River Trustees and Planning Committee both have indicated support for the plan.

Staff recommended approval subject to the following items being addressed/changed:

1. Identify specifically (in text and plan map) the type of landscaping to be provided along Hunters Creek Drive, in the areas where the previous buildings were removed and along Mud Run.
2. Identify how and by whom open areas will be maintained.
3. On the condo unit landscaping plan change the name "Abbey Canterbury Planting Plan" to "Creekside Condo Planting Plan".
4. Indicate in the plan whether the utilities will be public or private.

It was noted that the Clark County Planning Commission, at the August 3, 2005 meeting, recommended approval of the rezoning from R-2 to PD-R (Planned Development (Residential) District).

Chairperson Crosbie opened the public hearing and asked for proponents.

Kathy Estep, Mad River Township Trustee, stated that the trustees are in favor of this rezoning.

Chairperson Crosbie asked for opponents.

Nancy Thor, resident of Hunter's Glen, asked if she could get a copy of the subdivision plan. She stated that she understood from the presentation that there would not be a public access road from the proposed development into Hunter's Glen. Finally, she asked if there will be a final hearing regarding the subdivision.

Mr. Tritle responded that once it gets through the zoning process, the subdivision plan will be submitted. There will be hearing at that time.

An unidentified person asked how the green space will be maintained successfully.

Mr. Scott Owens, representative for Creekside Communities, answered that the Willows at Miami Creek is a good example of how green space is maintained. The same method will be used for the proposed subdivision. When a unit owner purchases a unit a reserve fund is started immediately. Two months of condo dues are escrowed from every homeowner. Each month the dues are paid to the association or to a management company which the association would hire. The company has built 12 or 13 communities and has not experienced a problem with this issue. Regarding green space, there will be a significant amount of green space in this development.

Mr. Dean Fenton stated that the public road issue is still on the table. A road would be especially beneficial for pedestrian traffic. The Engineer's Office will have input during the subdivision level.

Mr. Tritle added that there will be a public hearing at the subdivision stage.

Chairperson Crosbie asked for a motion.

RZC: 8-13-2005: Z-2005-5 ~ Rezoning Case ~ White Oak Communities/  
Creekside Communities, Inc. ~ Mad River Township

Motion by Mr. Rhine, seconded by Mr. Cummins to Approve the request with amendments of White Oak Communities/ Creekside Communities, Inc. to rezone 14.837 acres located at 7689 Dayton Rd. from R-2 to PD-R (Planned Development (Residential) District).

**VOTE:** Motion carried unanimously.

ZA-2005-1 ~ County Zoning Amendments ~ Public Hearing

Mr. Tritle explained that these amendments are minor in nature:

1. Chapter 2, Section A – combines Agriculture uses and Agricultural Related Processing into one category.
2. Chapter 2, Section A – changes uses 3., 4., and 5. (which currently exist as separate items under CURRENT TEXT ) into one item, with the 40 acre minimum lot and noting the exception for lotsplits, cluster lotsplits, and bonus cluster lotsplits.
3. Chapter 2, Section B under Footnote 2 in (CURRENT TEXT) shows a Table indicating *Frontage, Lot Size, and Setbacks* based on available utilities. The revised Table for Footnote 2 (PROPOSED TEXT) clarifies all of these attributes into a simpler form.

Staff recommends approval.

RZC: 8-14-2005: ZA-2005-1 ~ County Zoning Amendments

Motion by Mr. Cummins, seconded by Mr. Baird to Approve the proposed County Zoning Amendments as presented.

**VOTE:** Motion carried unanimously.

Staff Comments

None.

Adjournment

RZC: 7-11-2005: Adjournment

Motion by Mr. Baird, seconded by Mr. Cummins to adjourn the meeting.

**VOTE:** Motion carried unanimously.

The meeting was adjourned at 9:07 a.m.

# *Minutes*

*Clark County Rural Zoning Commission*

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Shane W. Farnsworth, Secretary

NOTE FOR MINUTE BOOK: See additional information included following the minutes.

## Rezoning Case # Z-2005-5

To: Clark County Rural Zoning Commission	Date of Meeting: September 14, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** Ron Boling

**Request Action:** Rezone **from - R-1** (Rural Residence District)  
**to - B-2** (Community Business District)

**Purpose:** To establish a location for water tower service business

**Location:** Northeast corner of Schiller Rd. and Lake Rd.

**Size:** 14 Acres  $\pm$

**Existing Land Use:** old gravel pit / undeveloped

### Surrounding Land Use and Zoning:

	Land Use	Zoned
<b>North</b>	Commercial, Manufactured Home Park & Agriculture	I-1 (Industrial), B-1 (Neighborhood Business & A-1 (Agricultural)
<b>South</b>	Agriculture & Residential	A-1 (Agricultural) & R-2A (Medium Density Residential)
<b>East</b>	Residential & Agriculture	R-1 (Rural Residential)
<b>West</b>	Residential	R-1 (Rural Residential) & R-3 (Medium Density 1 & 2 Family)

### ANALYSIS

This area was zoned R-1 (Rural Residence) when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the request by Mr. Ron Boling of American Suncraft, the County Engineer has reviewed the request to rezone a portion of the property located north of Schiller Road, east of Lake Road from R-1 zoning to a B-2 Community Business District.

Access to a public roadway (Schiller Rd.) is directly available, via an existing drive onto Schiller Road. Changes or modifications to property may require the applicant to secure an updated access permit from Bethel Township.

Drainage appears adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, may require the development of storm water facilities to address accelerated runoff and erosion control issues. An outlet for the drainage may be directly available on site, in the event stormwater storage is required

Based upon our review of access and drainage, there are no objections to the requested change. As a side note, the formal application by Mr Boling will require an accurate map and description of the area proposed for rezoning (Section G; 1. (c)). (See August 17, 2005 letter)

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the proposed site located on the north side of Schiller Road. The owner plans to construct a new pole barn and refurbish an existing barn for his water tower service operation. The following information is relative to soils and drainage.

#### **Soils**

The soils include Eldean and Carlisle Muck. See soil map included.

- Eldean soils are nearly level to sloping, well drained, and not subject to flooding. Relative to building site development, Eldean soils are rated Moderate due to shrink-swell potential for dwellings without basements, and slight for dwellings with basements.
- Carlisle Muck soils are Hydric-saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. These soils are nearly level and very poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from September to June. Relative to building site development, these soils are rated Severe due to ponding, low strength and excess humus for dwellings with and without basements. Location of building sites will be critical due to the presence of Carlisle Muck soils. These areas should be avoided for building site development.

#### **Drainage & Stormwater Management**

- The National Wetland Inventory Map indicates a wetland area on the proposed rezoning site. The area consists of 6 acres (there are 12 acres of wetlands with 6 located on adjacent property). The owner/developer should seek advice from the Army Corp of Engineers and Ohio EPA prior to any activities involving modifications within or adjacent to this area, since permits may be required.

This office does not object to the proposed zoning request, since the owner does not plan any major modification to the property or wetlands. (See August 16, 2005 letter)

### ***Combined Health District***

No report. The proposed use will be required to get OEPA approval or hook onto sewer / water.

### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public sewer service is available to the property from Schiller Road through an extension of the County's vacuum sewer system. Ohio EPA will require sanitary sewer service at the property be connected to public sewer. The extension of the vacuum sewer system will require engineering plans and a Permit-to-Install ("PTI") from the Ohio EPA. The property owner will be required to fund preparation of engineering plans, obtain a PTI from the Ohio EPA, and construct the public sewer extension to the property. The Utilities Department shall review and approve engineering plans prior to submittal to the Ohio EPA.

We have no objections to the proposed rezoning subject to the comments outlined above. Please let me know if you have any questions or comments concerning the above. (See August 26, 2005 letter)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

This parcel was formerly a gravel pit and has been dormant for many years. The area where the buildings for the business would be located are in the area of, but not in, the muck soil. This area would appear not to be a desirable location for residential. The applicant has a business where he would need to store equipment and have an office for the servicing of water towers.

### **RECOMMENDATION**

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Although the proposed use does not coincide with the **CROSSROADS** Comprehensive Plan, a case can be made that this particular site is not good for residential development with the muck soils. The business does not appear to be intensive in nature. However we would recommend only 7 acres be rezoned the a B-2'S' with the Specific Use being a business to service water towers including an equipment storage building and office for said business.

### **Clark County Planning Commission**

*Meeting Date: September 7, 2005*

Motion by Mrs. Rollins, seconded by Mr. Cordle to recommend **approval** to the Rural Zoning Commission for the request by Ron Boling to rezone 14 acres located at the northeast corner of Schiller Rd. and Lake Rd., Bethel Township from R-1 (Rural Residence District) to B-2 (Community Business District).

**VOTE:** Yes: Mr. Bicknell, Mr. Cordle, Mr. Jurick, Mr. Perkins, Mrs. Rollins, and Mrs. Stevenson.  
Pass: Mr. Detrick, Mr. Hartley, and Mr. Tackett.

Motion carried.

#### Attachments:

County Engineer's letter

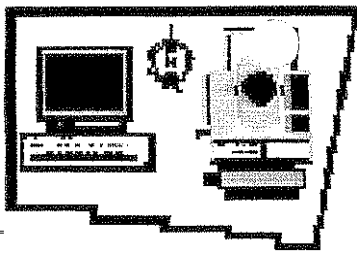
Soil Conservation District's letter

Utilities Dept. letter

Location Map

Zoning Map





Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request  
14.5+ acres from R-1 to B-2  
PPN# 0500025200004 pt 53.20 acres  
Schiller Road

Mr. Tritle,

Pursuant to the request by Mr. Ron Boling of American Suncraft, the County Engineer has reviewed the request to rezone a portion of the property located north of Schiller Road, east of Lake Road from R-1 zoning to a B-2 Community Business District.

Access to a public roadway (Schiller Rd.) is directly available, via an existing drive onto Schiller Road. Changes or modifications to property may require the applicant to secure an updated access permit from Bethel Township.

Drainage appears adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, may require the development of storm water facilities to address accelerated runoff and erosion control issues. An outlet for the drainage may be directly available on site, in the event stormwater storage is required.

Based upon our review of access and drainage, there are no objections to the requested change. As a side note, the formal application by Mr. Boling will require an accurate map and description of the area proposed for rezoning (Section G; 1. (c)).

Sincerely,

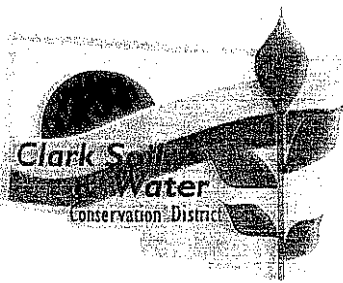
Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

Cc: Ron Boling

Donald Boyle - Road Superintendent  
Paul W. DeButy P.E. - Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank - Bridge Superintendent  
Pamela Fulton - Office Assistant

William A. Pierce, P.S. - LIS Director  
Shayne Gray - GIS/CAD Coordinator  
Mark Niccolini - Ditch Maintenance Supervisor  
Lew Richards - Traffic Supervisor  
Ned G. Weber, Deputy Engineer



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*With the Right to Own – Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Department  
Phillip Tritle, Senior Planner  
25 West Pleasant St.  
Springfield, Ohio 45506

Re: Z-2005-5 ~ Proposed rezoning of approx. 14.5+ acres to B2  
Schiller Rd. ~ Bethel Twp.

The Clark Soil & Water Conservation District has reviewed the proposed site located on the north side of Schiller Road. The owner plans to construct a new pole barn and refurbish an existing barn for his water tower service operation. The following information is relative to soils and drainage.

**Soils**

The soils include Eldean and Carlisle Muck. See soil map included.

- Eldean soils are nearly level to sloping, well drained, and not subject to flooding. Relative to building site development, Eldean soils are rated Moderate due to shrink-swell potential for dwellings without basements, and slight for dwellings with basements.
- Carlisle Muck soils are Hydric-saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. These soils are nearly level and very poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from September to June. Relative to building site development, these soils are rated Severe due to ponding, low strength and excess humus for dwellings with and without basements. Location of building sites will be critical due to the presence of Carlisle Muck soils. These areas should be avoided for building site development.

**Drainage & Stormwater Management**

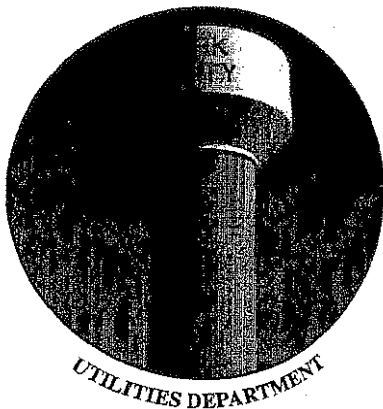
- The National Wetland Inventory Map indicates a wetland area on the proposed rezoning site. The area consists of 6 acres (there are 12 acres of wetlands with 6 located on adjacent property). The owner/developer should seek advice from the Army Corp of Engineers and Ohio EPA prior to any activities involving modifications within or adjacent to this area, since permits may be required.

This office does not object to the proposed zoning request, since the owner does not plan any major modification to the property or wetlands.

Respectfully,

Christine L. Pence, CPESC  
Urban Coordinator

CONSERVATION ~ DEVELOPMENT ~ SELF-GOVERNMENT



# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-5, Schiller Rd. at Lake  
Rd.(14.5+ ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public sewer service is available to the property from Schiller Road through an extension of the County's vacuum sewer system. Ohio EPA will require sanitary sewer service at the property be connected to public sewer. The extension of the vacuum sewer system will require engineering plans and a Permit-to-Install ("PTI") from the Ohio EPA. The property owner will be required to fund preparation of engineering plans, obtain a PTI from the Ohio EPA, and construct the public sewer extension to the property. The Utilities Department shall review and approve engineering plans prior to submittal to the Ohio EPA.

We have no objections to the proposed rezoning subject to the comments outlined above. Please let me know if you have any questions or comments concerning the above.

Sincerely,

Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

2253 Medway Carlisle  
Medway, Ohio 45341  
August 24, 2005

Rural Zoning Commission:

Since I am unable to attend the meeting on Wednesday, September 14<sup>th</sup>, 2005 concerning the fourteen acres on the northeast corner of Lake and Schiller road, I thought I might send this letter.

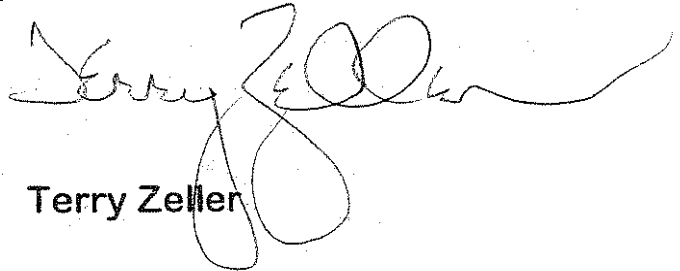
I am opposed to any of our rural residential district being converted to Community Business due to the fact that this area is 'under attack' in recent years with increased traffic of all sorts and especially, truck traffic. If any residential zoning is to be changed to business, it has to be small business only with minimal traffic increase and no major truck traffic whatsoever.

With I-675 sending more and more traffic northward thru and around Medway, the roads and the people of this area are 'swamped' with noise pollution and traffic. I, myself, live on Medway Carlisle road and it might as well be an extension of the freeway with no speed limit signs and people 'barreling' down the road as if still on I-675.

I can only hope that one day, the freeway will by pass Medway on its way northward and the people of this small community can live in peace while traffic and businesses remain on the outskirts of town and not within our quiet community.

Hopefully, you will do what is in our interests as a community and not the interest of business which so often cares very little about the land and the people.

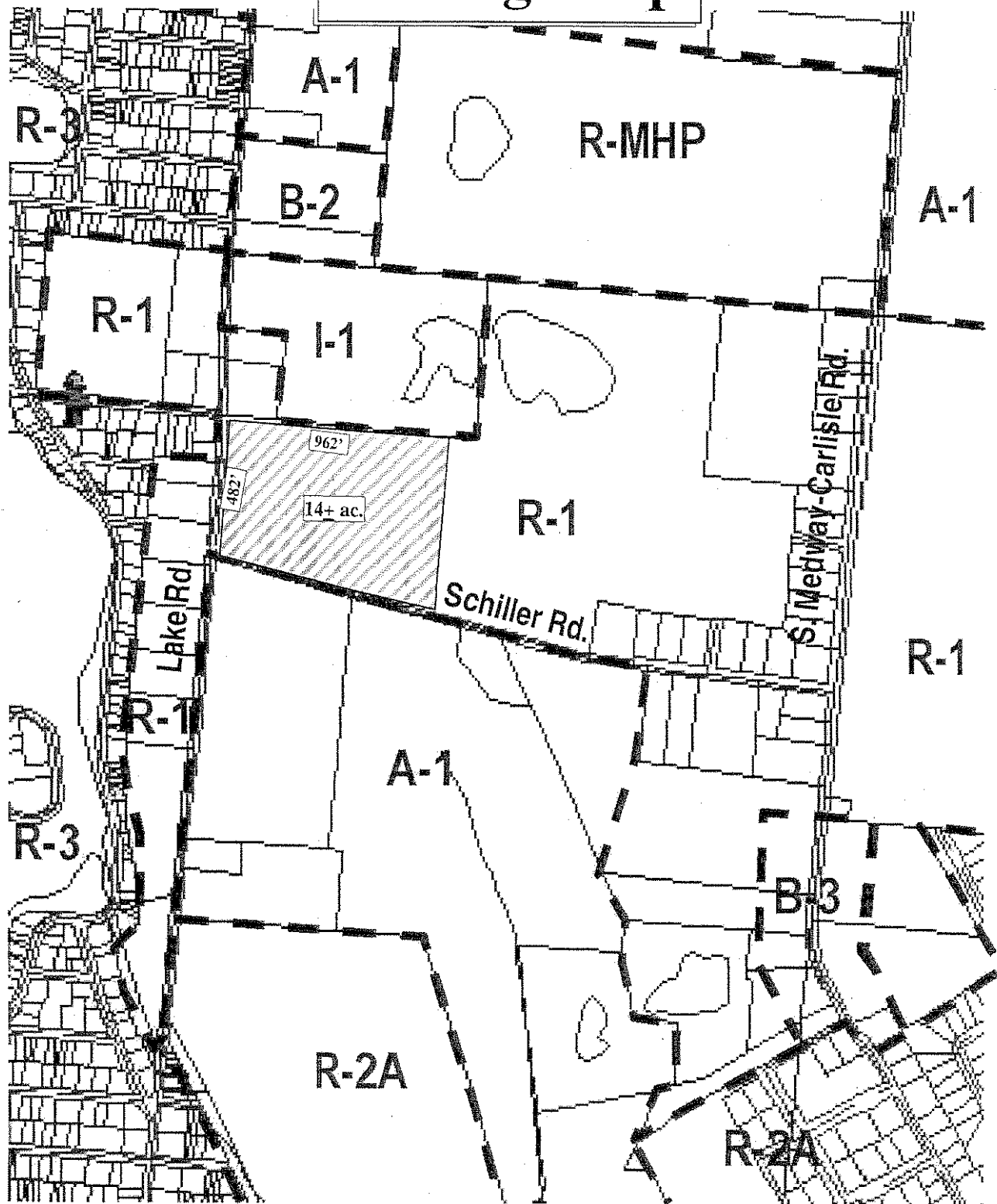
Respectfully,

A handwritten signature in dark ink, appearing to read "Terry Zeller", with a large, stylized loop at the end.

Terry Zeller



# Zoning Map



**REZONING CASE #Z-2005-5** NE corner Lake Rd. & Schiller Rd.  
**R-1 to B-2** 14 $\pm$  ac. Bethel Twp.

## Rezoning Case # Z-2005-6

To: Clark County Rural Zoning Commission	Date of Meeting: September 14, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** Daniel E. Demmy

**Request Action:** Rezone **from - A-1** (Agriculture District)  
**to - R-2** (Low Density Single-Family Residence District)

**Purpose:** To develop single-family residential subdivision

**Location:** 5855 Enon-Xenia Rd. / 8535 Dayton-Springfield Rd.

**Size:** 340 Acres  $\pm$

**Existing Land Use:** Agriculture & Residential

### Surrounding Land Use and Zoning:

	Land Use	Zoned
<b>North</b>	Agriculture & Residential	A-1 (Agricultural), R-2 (Low Density Residential), & R-2A (medium Density Residential)
<b>South</b>	Agriculture & Residential	Greene County, Bath Twp.
<b>East</b>	Agriculture & Residential	A-1 (Agricultural) & R-1 (Rural Residential)
<b>West</b>	Agriculture, Commercial & Residential	A-1 (Agricultural), B-3 (General Business) & I-1 (Industrial)

### ANALYSIS

This area was zoned A-1 Agricultural when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the rezoning request by Mr. Daniel Demmy, the County Engineer has reviewed the property located between Dayton Road and Enon Xenia Road, north of county's line between Clark and Greene County, from A-1 Agricultural to R-2 Low Density Single Family Residential District. **Access** to a public roadway is directly available, at several possible locations:

1. Emmons Street – an existing stub street off Philadelphia Drive, which connects directly to Dayton Springfield Road.
2. Clifty Street – a proposed stub street south off Bluff Boulevard currently scheduled for development. Bluff Boulevard is a proposed collector street off Enon Xenia Road with an approved access location.
3. Frontage along Enon Xenia and Dayton Road, but the spacing between existing intersections is not desirable.

**Drainage** appears adequate under the present agricultural use. There are several drainage related issues, which may be considered:

1. The existing 100 year floodplain along Mud Run encompasses approximately 25% of the area requested for rezoning. This area would most likely be preserved in a natural state.
2. A portion of the parcel near Enon Xenia is being utilized for detention basin for the Bluffs at Hunter's Glen. The detention basin could be built and remain as presently designed, or relocated with the proper approvals.
3. Additional detention would be required, based upon the proposed land use. There are several areas that potentially meet the needs for this use, based upon the existing topography of the area.

**Traffic**

1. The county currently has capacity on both Dayton Springfield Road and Enon Xenia Road.
2. The county is pursuing a long-range plan to make improvements along Dayton Road to address growing traffic concerns.

The County Engineer has no objection to the proposal to rezone the above property, subject to the limited access locations and restricted development along the floodplain corridor. (See August 17, 2005 letter)

### **Soil Conservation**

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Celina (CeA 0-2%, CeB 2-6%) soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness. This site includes 10 acres of these soils.
- Crosby (CrA 0-2%) soils are nearly level and somewhat poorly drained with a perched water table from 1 to 3 feet from January to April. The SPI rates Crosby soils Medium (70). Soil limitations for building site development are rated Severe for dwellings with basements due to wetness, and Moderate for dwellings without basements due to wetness and shrink-swell potential. This site includes 19 acres of these soils.
- Donnelsville-rock outcrop complex (DpF 30-70 %) This deep soil is very steep and well drained. It is on side slopes with rock outcrops. The parent material is colluvium and residuum from limestone. Large rock fragments are present throughout the soil. Soil limitations for building site development are rated Severe for dwellings with or without basements due to slope and rock. This site includes 24 acres of these soils.
- Eldean (EpD2. 12-16%) soils are moderately steep, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to slope for dwellings with or without basements. This site includes 18 acres of these soils.
- Eldean silt loam (EmA 0-2%, EmB 2-6%), This very deep soil is nearly level to gently sloping and moderately well drained. It is on terraces along streams. Generally, this soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 10 acres of these soils.
- Eldean silt loam (EmB2 2-6%, EmC.2 6-12%) This very deep soil is gently sloping and well drained. It is located along drainageways on stream terraces and on gravel knolls on uplands. This soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 16 acres of these soils.



- Kokomo (Ko) soils are nearly level and somewhat poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soils limitations for building site development are rated Severe due to ponding for dwellings with or without basements. This site includes 1 acre of these soils.
- Lippincott silty clay loam (Lp) This very deep soil is nearly level and very poorly drained. It is in flats, drainageways, and depressions. The parent material is glacial outwash. This soil has a seasonal high water table from 1 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to ponding water. This site includes 8 acres of these soils.
- Miamian (MhA, 0-2% slope, MhB, 2-6% slope) soils are nearly level to gently sloping and well drained. Soils limitations for building site development are rated Moderate-Slight for dwellings with or without basements. This site includes 50 acres of these soils.
- Miamian (MhC2, MhB2, 2-6%) soils are sloping, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell and slope for dwellings with or without basements. This site includes 35 acres of these soils.
- Milton silt loam (MtA 0-2%, MtB 2-6%) This moderately deep soil is nearly level and well drained. It is located on upland ridgetops. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for to shallow depth to rock. This site includes 33 acres of these soils.
- Milton (MvC2 6-12%) eroded This moderately deep soil is sloping and well drained. It is on side slopes. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for building site development are rated Severe for dwellings with or without basements due to shallow depth to rock.
- Ocklev silt loam (OcA 0-2%) This very deep soil is nearly level and well drained. It is on terraces along larger streams. This soil is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Moderate due to shrink-swell. This site includes 25 acres of these soils.
- Rodman (RgE, 18-35%) deep soil is steep and excessively drained and not subject to flooding. Soils limitations for building site development are rated Severe due to slope for dwellings with or without basements. This site includes 5 acres of these soils.
- Tremont silt loam (Ts) occasionally flooded. This very deep soil is nearly level and moderately well drained. It is on flats. The parent material is stream deposits. This soil is subject to occasional flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to wetness. This site includes 8 acres of these soils.
- Westland silty clay loam (Wt) This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water). This site includes 64 acres of these soils.

### **Drainage**

The stream, Mud Run and a tributary stream flows through the site and should not be disturbed. Based on the FEMA maps, a significant amount of acreage, approximately 75 acres, in the Westland, Lippincott and Eldean soils are located in the 100 year flood plain. It is strongly recommended to avoid these areas for building site development, stormwater management or roadways. There are obvious areas where Mud Run actually floods out of its channel and across the existing cropland. Any alterations of the floodplain would require consultation from FEMA, and alterations to Mud Run would require consultation from the Army Corp of Engineers.

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

#### **Prime Farmland**

Of the 340 total acres included in the property, 270 acres are farmland. These soils are capable of producing Clark County's 5<sup>th</sup> highest corn yields and 3<sup>rd</sup> highest soybean and wheat yields.

#### **Existing Natural Features**

The existing woodland and stream buffer areas should be preserved to the maximum extent, possibly by incorporating open space into the plans.

In summary, there are many soil types with various limitations for building site development, due to flood plain, seasonal water table and shallow bedrock. The access to Dayton Road is a concern due to the floodplain and unstable soils. These concerns appear to be applicable on the western parcel of land. The eastern portion, however, does not appear to have such major issues to overcome.

Due to the large size of this property and numerous concerns regarding building site development, more information is needed prior to any recommendations from this office. (See August 16, 2005 letter)

#### ***Combined Health District***

No report. The proposed development will utilize public sewer and water.

#### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is available to the northern portion of the property from the County's Mud Run Sanitary Sewer trunk line that runs across the property and the 12-inch diameter water line extension constructed along Dayton-Springfield Road. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water to the southern portion of the site that fronts to Enon-Xenia Road.

No specific development plans were provided with the zoning application that would allow a detailed evaluation of water and sewer system capacities at this time. Current water and sewer capacities in Mad River Township as they relate to the possible development of this property are discussed below.

The County Utilities Department purchases water from the Village of Enon to provide service to the surrounding areas of Mad River Township. The following summarizes the Enon water plant production capacity (reference 2-23-05 OEPA evaluation survey):

#### **Plant Production**

Average Daily: 0.640 million gallons per day ("MGD")  
Design Capacity: 1.50 MGD  
2004 Peak: 0.980 MGD

A new one million gallon water storage standpipe owned by the County located southeast of Holiday Valley is scheduled to go into service by August 31, 2005. Bringing this new water storage tank online should reduce the peak production of Enon's water plant.

The County's Southwest Regional Wastewater Treatment Plant's ("WWTP") service area includes Mad River Township and the areas being considered for re-zoning. The plant's average daily design capacity is 2.0 MGD. Current average daily flow rates are about 1.4 MGD. The County is working toward expansion of the Southwest WWTP. Any development resulting from this rezoning will be required to pay a proportionate share of the cost WWTP expansion.

Based on our review of the information provided, we have no objections to the proposed rezoning.

### ***Mad River Township Planning Committee***

The Mad River Township Planning Committee notes several issues that need to be resolved:

- Mad River Twp. Representatives objected to the designation of this area as Medium Density Residential.
- The Mad River Comprehensive Plan shows this area as agriculture.
- The applicant has not met with Township Planning Committee.
- Indications are this will subject to referendum.
- Size of rezoning is unprecedented.
- This rezoning is an attempt to avoid Township Zoning.
- Concerned the land will be made available to another developer.
- Land contains storm water retention for The Bluffs. There is no easement for this retention area. The status of this matter must be clarified before rezoning can be considered.

The Mad River Township Planning Committee objects to this rezoning and requests a disapproval and denial. (See August 31, 2005 letter for exact wording)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

In reviewing this request, it is apparent that this case has several important development issues which will need to be addressed. Most of the said issues are better addressed at the subdivision level but consist mainly of:

- 1) the size of the request is substantial - 340 acres.
- 2) physical limitations - flood plain, topography, soils, drainage, & access.
- 3) water & sewer extensions will be required.
- 4) traffic.

All of the agencies point out concerns but none object to the request provided their concerns are taken into account. We conclude this is because these items can and will be addressed later as preliminary and final plat plan are submitted.

It should be noted that while the requested area is 340 acres, buildable area will encompass approximately 208 acres as noted below:

340 ac. requested area  
- 75 ac. floodplain  
265 ac.  
- 20 ac. hillside, etc.  
245 ac.  
- 37 ac. street R-O-W (15% approx.)  
208 ac. buildable acreage = 400 - 420 lots @ ½ ac ea.

We have met with the applicant's representative to discuss the issues noted in the various reports (except the Mad River Township Planning Committee) and they recognize the concerns and indicate they will be addressed at the subdivision phase. Also they are contacting the Village of Enon concerning an approval for utilizing village water.

## RECOMMENDATION

Although this is a major request, we note that it is in conformance with the **CROSSROADS** Comprehensive Plan. The issues noted in this report are common and we feel the applicant can reasonably deal with them. Since the applicant has indicated a lot density consistent with half acre lots but the R-2 Zoning District allows a lot size of 12,000 sq. ft.(or quarter ac.), we feel it would be prudent to approve an R-2'S' with a "Specific Use" of no more than 420 single-family residential lots. It should be noted that this rezoning will not affect the current FP (Flood Plain) Overlay District which will remain in place as is.

### Clark County Planning Commission

*Meeting Date: September 7, 2005*

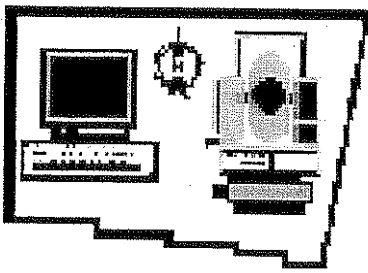
Motion by Mr. Cordle, seconded by Mrs. Rollins to recommend **approval** to the Rural Zoning Commission for the request by Daniel E. Demmy to rezone 340 acres± located at 5855 Enon-Xenia Rd. / 8535 Dayton-Springfield Rd., Mad River Township from A-1 (Agriculture District) to R-2 (Low Density Single-Family Residence District).

**VOTE:** Yes: Mr. Bicknell, Mr. Cordle, Mr. Perkins, Mrs. Rollins, and Mrs. Stevenson.  
Abstain: Mr. Jurick.  
Pass: Mr. Detrick, Mr. Hartley, and Mr. Tackett.

Motion carried.

#### Attachments:

County Engineer's letter  
Soil Conservation District's letter  
County Utilities Dept. Letter  
Mad River Township Planning Committee letter  
Applicant's letter  
Location Map  
Zoning Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request Z-2005-6  
340+ acres from A-1 to R-1

Mr. Tritle,

Pursuant to the rezoning request by Mr. Daniel Demmy, the County Engineer has reviewed the property located between Dayton Road and Enon Xenia Road, north of County's line between Clark and Greene County, from A-1 Agricultural to R-2 Low Density Single Family Residential District.

Access to a public roadway is directly available, at several possible locations:

1. Emmons Street – an existing stub street off Philadelphia Drive, which connects directly to Dayton Springfield Road.
2. Clifty Street – a proposed stub street south off Bluff Boulevard currently scheduled for development. Bluff Boulevard is a proposed collector street off Enon Xenia Road with an approved access location.
3. Frontage along Enon Xenia and Dayton Road, but the spacing between existing intersections is not desirable.

Drainage appears adequate under the present agricultural use. There are several drainage related issues, which may be considered:

1. The existing 100 year floodplain along Mud Run encompasses approximately 25% of the area requested for rezoning. This area would most likely be preserved in a natural state.
2. A portion of the parcel near Enon Xenia is being utilized for detention basin for the Bluffs at Hunter's Glen. The detention basin could be built and remain as presently designed, or relocated with the proper approvals.
3. Additional detention would be required, based upon the proposed land use. There are several areas that potentially meet the needs for this use, based upon the existing topography of the area.

Traffic

1. The county currently has capacity on both Dayton Springfield Road and Enon Xenia Road.

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer

2. The county is pursuing a long-range plan to make improvements along Dayton Road to address growing traffic concerns.

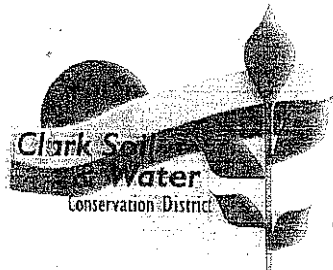
The County Engineer has no objection to the proposal to rezone the above property, subject to the limited access locations and restricted development along the floodplain corridor.

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

A handwritten signature in cursive script, appearing to read "Kenneth D. Fenton".

Kenneth D. Fenton  
Deputy Engineer



4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attn: Phil Tritle

Re: Z-2005-6~Rezoning 340 acres, A1 to R2  
Dan Demmy~Enon Xenia/Dayton Rd.~ MR Twp.

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Celina (CeA 0-2%, CeB 2-6%) soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness. This site includes 10 acres of these soils.
- Crosby (CrA 0-2%) soils are nearly level and somewhat poorly drained with a perched water table from 1 to 3 feet from January to April. The SPI rates Crosby soils Medium (70). Soil limitations for building site development are rated Severe for dwellings with basements due to wetness, and Moderate for dwellings without basements due to wetness and shrink-swell potential. This site includes 19 acres of these soils.
- Donnelsville-rock outcrop complex (DpF 30-70 %) This deep soil is very steep and well drained. It is on side slopes with rock outcrops. The parent material is colluvium and residuum from limestone. Large rock fragments are present throughout the soil. Soil limitations for building site development are rated Severe for dwellings with or without basements due to slope and rock. This site includes 24 acres of these soils.
- Eldean (EpD2, 12-16%) soils are moderately steep, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to slope for dwellings with or without basements. This site includes 18 acres of these soils.
- Eldean silt loam (EmA 0-2%, EmB 2-6%), This very deep soil is nearly level to gently sloping and moderately well drained. It is on terraces along streams. Generally, this soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 10 acres of these soils.
- Eldean silt loam (EmB2 2-6%, EmC2 6-12%) This very deep soil is gently sloping and well drained. It is located along drainageways on stream terraces and on gravel knolls on uplands. This soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 16 acres of these soils.

CONSERVATION ~ DEVELOPMENT ~ SELF-GOVERNMENT

- Kokomo (Ko) soils are nearly level and somewhat poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soils limitations for building site development are rated Severe due to ponding for dwellings with or without basements. This site includes 1 acre of these soils.
- Lippincott silty clay loam (Lp) This very deep soil is nearly level and very poorly drained. It is in flats, drainageways, and depressions. The parent material is glacial outwash. This soil has a seasonal high water table from 1 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to ponding water. This site includes 8 acres of these soils.
- Miamian (MhA, 0-2% slope, MhB, 2-6% slope) soils are nearly level to gently sloping and well drained. Soils limitations for building site development are rated Moderate-Slight for dwellings with or without basements. This site includes 50 acres of these soils.
- Miamian (MhC2, MhB2, 2-6%) soils are sloping, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell and slope for dwellings with or without basements. This site includes 35 acres of these soils.
- Milton silt loam (MtA 0-2%, MtB 2-6%) This moderately deep soil is nearly level and well drained. It is located on upland ridgetops. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for building site development are rated Severe for dwellings with or without basements due to shallow depth to rock. This site includes 33 acres of these soils.
- Milton (MvC2 6-12%, eroded) This moderately deep soil is sloping and well drained. It is on side slopes. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for building site development are rated Severe for dwellings with or without basements due to shallow depth to rock. This site includes 15 acres of these soils.
- Ockley silt loam (OcA 0-2%) This very deep soil is nearly level and well drained. It is on terraces along larger streams. This soil is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Moderate due to shrink-swell. This site includes 25 acres of these soils.
- Rodman (RgE, 18-35%) deep soil is steep and excessively drained and not subject to flooding. Soils limitations for building site development are rated Severe due to slope for dwellings with or without basements. This site includes 5 acres of these soils.
- Tremont silt loam (Ts) occasionally flooded. This very deep soil is nearly level and moderately well drained. It is on flats. The parent material is stream deposits. This soil is subject to occasional flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to wetness. This site includes 8 acres of these soils.
- Westland silty clay loam (Wt) This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water). This site includes 64 acres of these soils.

### Drainage

The stream, Mud Run and a tributary stream flows through the site and should not be disturbed. Based on the FEMA maps, a significant amount of acreage, approximately 75 acres, in the Westland, Lippincott and Eldean soils are located in the 100 year flood plain. It is strongly recommended to avoid these areas for building site development, stormwater management or roadways. There are obvious areas where Mud Run actually floods out of its channel and across the existing cropland. Any alterations of the floodplain would require consultation from FEMA, and alterations to Mud Run would require consultation from the Army Corp of Engineers.

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning



process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

#### **Prime Farmland**

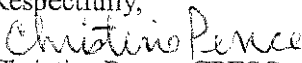
Of the 340 total acres included in the property, 270 acres are farmland. These soils are capable of producing Clark County's 5<sup>th</sup> highest corn yields and 3<sup>rd</sup> highest soybean and wheat yields.

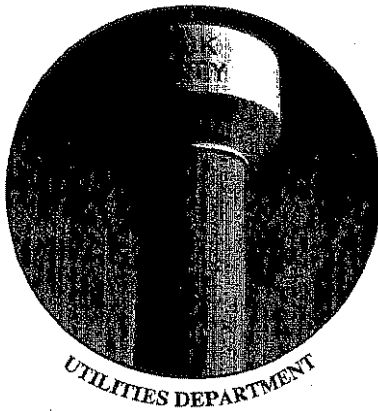
#### **Existing Natural Features**

The existing woodland and stream buffer areas should be preserved to the maximum extent, possibly by incorporating open space into the plans.

In summary, there are many soil types with various limitations for building site development, due to flood plain, seasonal water table and shallow bedrock. The access to Dayton Road is a concern due to the floodplain and unstable soils. These concerns appear to be applicable on the western parcel of land. The eastern portion, however, does not appear to have such major issues to overcome.

Due to the large size of this property and numerous concerns regarding building site development, more information is needed to prior to any recommendations from this office.

Respectfully,  
  
Christine Pence, CPESC  
Urban Coordinator



# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-6, 5855 Enon-Xenia &  
8535 Dayton Springfield Roads  
(340.28 ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is available to the northern portion of the property from the County's Mud Run Sanitary Sewer trunk line that runs across the property and the 12-inch diameter water line extension constructed along Dayton-Springfield Road. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water to the southern portion of the site that fronts to Enon-Xenia Road.

No specific development plans were provided with the zoning application that would allow a detailed evaluation of water and sewer system capacities at this time. Current water and sewer capacities in Mad River Township as they relate to the possible development of this property are discussed below.

The County Utilities Department purchases water from the Village of Enon to provide service to the surrounding areas of Mad River Township. The following summarizes the Enon water plant production capacity (reference 2-23-05 OEPA evaluation survey):

**Plant Production**

Average Daily:	0.640 million gallons per day ("MGD")
Design Capacity:	1.50 MGD
2004 Peak:	0.980 MGD

A new one million gallon water storage standpipe owned by the County located southeast of Holiday Valley is scheduled to go into service by August 31, 2005. Bringing this new water storage tank online should reduce the peak production of Enon's water plant.

The County's Southwest Regional Wastewater Treatment Plant's ("WWTP") service area includes Mad River Township and the areas being considered for re-zoning. The plant's average daily design capacity is 2.0 MGD. Current average daily flow rates are about 1.4 MGD. The County is working toward expansion of the Southwest WWTP. Any development resulting from this rezoning will be required to pay a proportionate share of the cost WWTP expansion.

Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above.

Sincerely,



Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

August 31, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506-2268

RE: Rezoning Case Z-2005-6, Daniel E. Demmy

Dear Sirs:

The Mad River Township Planning Committee has reviewed this request and has serious concerns about the requested rezoning. These concerns are:

1. Although Crossroads has this area as Medium Density Residential, 4-6 residences/acre, Mad River Township representatives objected to this designation at the Crossroads final meeting. They acquiesced to the approval of the plan when they were assured that the Township Plans could refine the map and take care of the problem. That is what the township has been doing for the past few years.
2. The Mad River Township Comprehensive Land Use Plan has designated this area as agricultural and identified other land, in excess of 500 acres, closer to the Village of Enon for future residential development. Additional areas of difference from the Township Plan are:
  - The density of R-2 zoning of 3.5 residences/acre is much higher than the one residence/acre recommended in the Township Plan
  - Crossroads encourages farmland preservation, protection of natural areas, and avoidance of poor building areas such as floodplains and steep slopes. These are also concerns of Mad River Township residents as reflected in our Township Plan. This rezoning proposal does not show how these concerns will be met. The Township Plan recommends the use of Planned Unit Developments (PUDs) and conservation subdivision designs as the preferred rezoning approaches to address these concerns. R-2 zoning is neither a PUD nor a conservation subdivision.
  - The rezoning request does not address the infrastructure capacity needed to support any development of the land in question. These issues are alluded to in an accompanying attorney's letter, but this letter is misleading. There is no known approval by the Village of Enon to supply surplus water; the Southwest Sewage Treatment Plant may not have the capacity to support the ~1,000 homes associated with R-2 zoning. Further, future expansion of this plant is not guaranteed. The potential number of homes associated with R-2 zoning would

probably exceed the carrying capacity of West Enon and Dayton Roads. The Township Plan states that township two lane roads will not be widened. Given the above, there is no infrastructure to support any development associated with this rezoning.

3. Contrary to other developers' practices, Mr. Demmy has not met with the Mad River Township Planning Committee to get the Committee's input about possible development schemes for the rezoned land. This input offers a valuable communication mechanism between the developer and township citizens and allows both to reach compromises about the size, nature, scope and timing of any development. Another result of this interaction is community support of any proposed development.
4. Because there has been no attempt at communication with township citizens and in light of the historical reaction in the township to such large scale rezoning actions, the Committee believes this request is contrary to the wishes of the citizens of Mad River Township. Within the past two years, the citizens of the Township overwhelming rejected a similar, but smaller and lower density rezoning, in a referendum. Indications are that if this rezoning is approved, this rezoning will be subject to a referendum.
5. The size of this request, ~340 acres, is unprecedented in Mad River Township. The number of homes, ~1150, which could be supported by this rezoning amounts to a 46-year supply of new homes, given Mad River Township's historic absorption rate of 25 new homes per year. Before any development can occur on this land, additional new home construction totaling ~590 new homes will probably occur before the start any construction on this land. This implies that any development of this land will probably no occur until 2015 or later. Given such a long lead time prior to development, this rezoning request is premature.
6. As the Clark County Planning Commission is aware, Mad River Township will have a referendum to approve/disapprove Township Zoning in the November General Election. The timing of this rezoning relative to the long delay before anticipated construction implies this rezoning request is an attempt to avoid Township Zoning, should it be approved. Given the size of the request and that it varies considerably from the Township Plan, the request deserves careful scrutiny by the citizens of Mad River Township – not a quick review at the county-level.
7. Since the zoning stays with the property and not the owner, there is no assurance that the applicant will not sell the land to another developer once the rezoning occurs. The Committee does not view this request as an extension to the Bluffs of Hunters' Glen, which has not started the first phase of development. The Committee is concerned that this rezoning will make the land available to another developer, possibly a national developer, with little interest in retaining the rural character of our township. Such a sale is inimical to the wishes of the citizens of Mad River Township as expressed in the

Rezoning Request 7-2005-6, Daniel E. Demmy

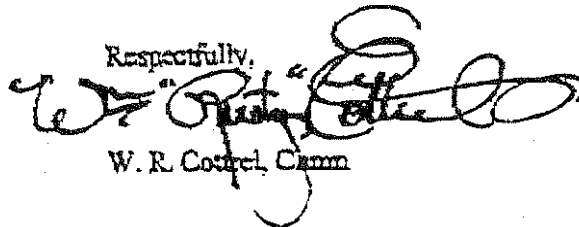
8/31/2005

Township's Comprehensive Land Use Plan and through zoning referendum. All we can assume is that 3.5 homes per acre on all the buildable acreage will come about in a manner inconsistent with the desires of the citizens of Mad River Township.

8. The land in this rezoning request contains a storm water retention basin approved as part of the final subdivision plan for the Bluffs of Hunter's Glen. When the subdivision plan was approved on July 6, 2005, the land containing the retention basin was owned by the Bluffs of Hunter's Glen LLC, the same organization developing the Bluffs of Hunter's Glen subdivision. On July 12, 2005, this land was sold by the Bluffs of Hunter's Glen LLC to Mr. Demmy. The deed attached to the rezoning request does not have an easement for the retention basin for the Bluffs of Hunter's Glen. The "off-site" nature of the retention basin was of concern to the Clark County Planning Commission in approving the Bluffs of Hunter's Glen subdivision plan. At that time, the Planning Commission was assured by the developer's engineer that this concern was not valid since the same entity controlled all the land in question. This is no longer the case. The status of the Hunters' Glen retention basin must be clarified before any rezoning request can be considered.

The Mad River Township Planning Committee objects to this rezoning and requests the Planning Staff and Clark County Planning Commission recommend disapproval and that the Clark County Rural Zoning Commission deny this rezoning request.

Respectfully,



W.R. Council, Comm

JAMES F. PEIFER  
ATTORNEY AT LAW  
SUITE 300, THE EDISON CENTER  
20 SOUTH LIMESTONE STREET  
P. O. BOX 1087  
SPRINGFIELD, OHIO 45501-1087  
TELEPHONE 937-325-7365  
TELEFAX 937-325-9584

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

THOMAS T. TAGGART  
(1926-1988)  
RICHARD H. WEHLER  
(1924-1992)

August 9, 2005

BOARD OF CLARK COUNTY  
COMMISSIONERS  
50-E COLUMBIA ST  
SPRINGFIELD OH 45502

Members of the Commission:

Transmitted herewith is the request of Daniel E. Demmy to rezone approximately 337.93 acres of real estate situated in Mad River Township from its current A-1 County zoning classification to an R-2 single family residence zoning classification. Enclosed with this application are two copies of a map showing the property to be rezoned highlighting the area to be rezoned marked Exhibit A-1, two copies of a tax map showing the 200 foot radius marked Exhibit A-2, copies of the various deeds comprising the property sought to be rezoned labeled as Exhibit B, a list of all surrounding property owners located within 200 feet of the area sought to be rezoned marked as Exhibit C and the required application fee.

The property is located near areas of concentrated single family development and agriculture land. It is adjacent to Green Meadows Subdivision and is located in close proximity to Hunters Glenn and The Bluffs at Hunters Glenn Subdivisions. The owner plan on developing the territory sought for rezoning into lots with single family homes on them similar in lot size and type as the homes located at the Bluffs at Hunters Glenn Subdivision.

The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County. Water is available through the Village of Enon. The Village of Enon is in the process of erecting a water tower in the immediate area which will serve to provide water for this development and others contemplated in the immediate area.

The property is shown on the Crossroads Comprehensive Plan as medium density residential. The requested zoning classification is for medium density residential consistent with the availability of sewer and water and is consistent with the Crossroads Comprehensive Plan.



Mrs. Ellen Williams  
5325 Horseshoe Bend Rd.  
Troy, OH 45373-9440

Clark Co. Planning Com.  
25 West Pleasant St.  
Springfield, Ohio 45506-2268

Dear Mr. Farmworth:

Unfortunately, I am not able to attend  
the meeting planned for Sept. 14, 2005.  
I do however, hope, that my letter  
will represent a vote.

As a local property owner in joint  
with my sister Sarah Brown, and co-owners  
with Virginia Roche and Sarah Brown of  
a farm adjacent to 8535 Dayton-  
Springfield Road, I am in favor  
of Mr. Daniel E. Demmy being able to  
rezone his acreage to R-2 or Low Density  
Single Family Residence District.

The 8535 farm and 5855 Enon Xenia Rd.  
are now surrounded by housing, farming  
is getting increasingly more difficult in  
such an urban area. It is becoming danger-  
ous to move farm equipment safely with



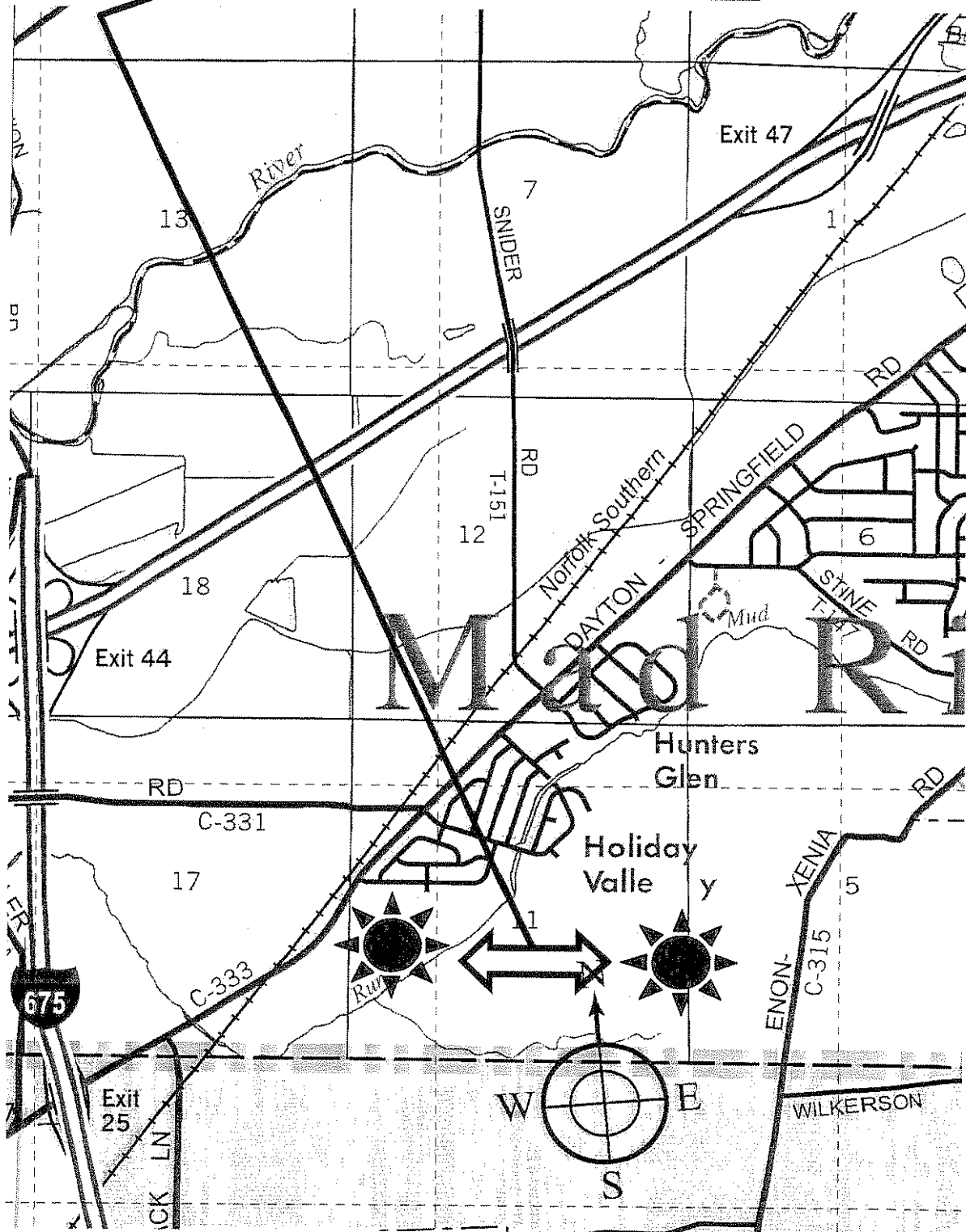
the heavily traveled roads surrounding both areas.

Another problem for him if kept in farm land is that of trespassers and people hunting and trapping illegally.

I think it would be an asset to the community to have an area of high quality single family homes.

Sincerely yours,  
E. Eden Williams

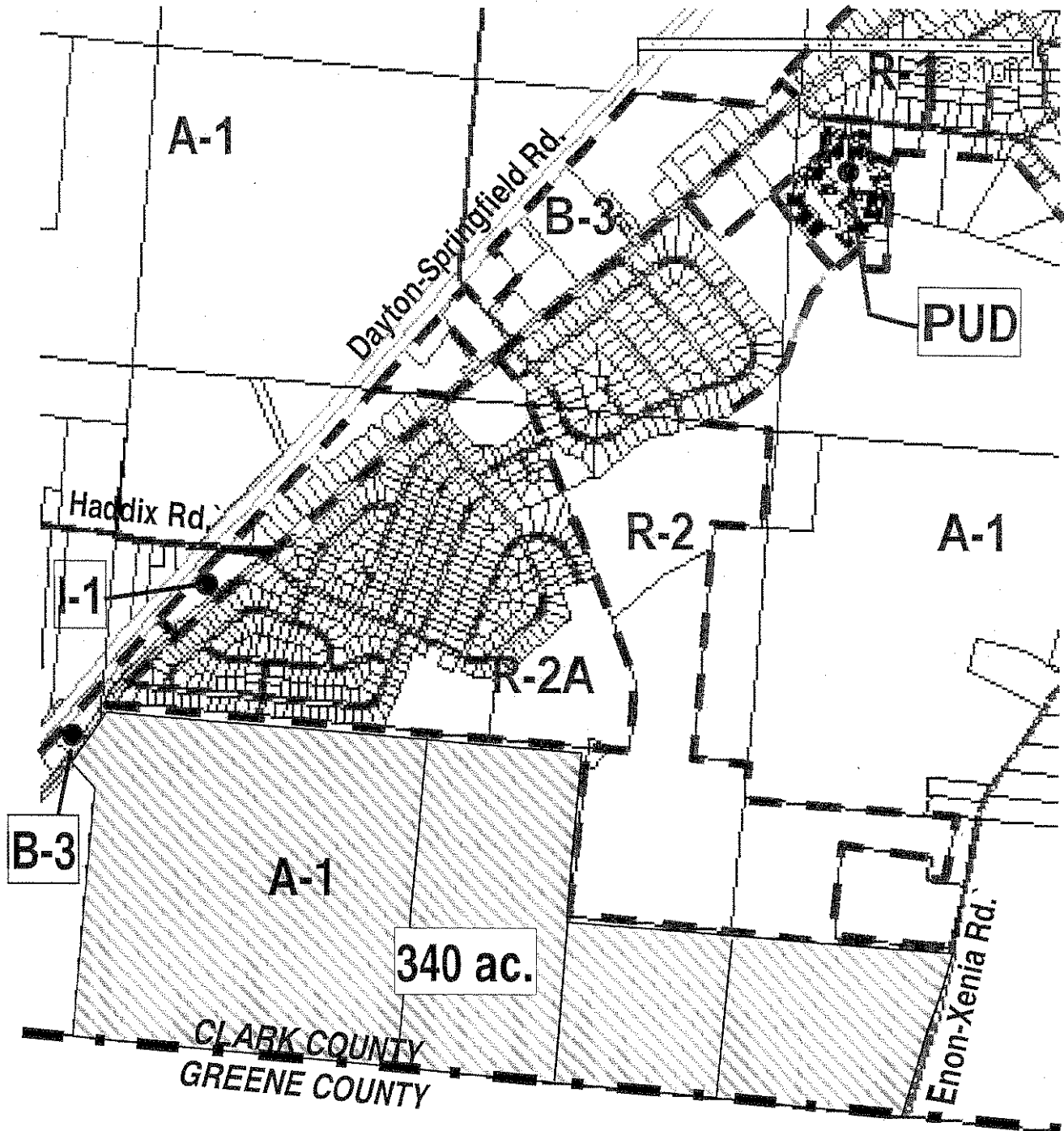
## LOCATION MAP



**REZONING CASE # Z-2005-6 A-1 to R-2**

# Zoning Map

Does not show Flood Plain Overlay



REZONING CASE #Z-2005-6 Dayton-Spfld Rd./Enon-Xenia Rd.  
A-1 to R-2 340± ac. Mad River Twp.



# B-W Greenway

Community Land Trust

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, OH 45506-2268

Subject: Rezoning case Z-2005-6, Daniel E. Demmy, 340.28 acres,

Dear Commissioners,

The B-W Greenway has been following the progress of the Mad River Twp Planning Committee in developing a "township plan." The plan in its current form provides a well-balanced approach between new developments in the township and preserving the rural character and natural resources that make Mad River Twp such an appealing place to live.

This committee has done its homework by assessing the will of the township residents via a comprehensive survey with a well-above-average response rate. Their plan reflects the will of the township residents.

They have also gone the extra mile by bringing together the developer (White Oaks) from a recent referendum and the folks that initiated the referendum (ACT). After many meetings and revisions, the evolving design is beginning to be appreciated by all parties. This approach is consistent with the emphasis of our land trust in helping to build "community."

The subject rezoning application is likely the largest rezoning in Mad River Twp history. There are many issues to resolved, the most critical is that it conflicts with the township plan that has strong citizen support.

B-W Greenway Community Land Trust has approximately 400 members and volunteers. Our mission is to promote sustainable land use while balancing human and wildlife needs by connecting the Beaver Creek and Wenrick Wetlands with a greenway. Our goals within the greenway are to 1) preserve and promote natural corridors, 2) protect surface and ground water, 3) encourage sustainable agriculture, 4) preserve and enhance native plant, wildlife and aquatic habitats, 5) minimize consumption and pollution, 6) foster sustainable land use principles through education and technical assistance, and 7) cultivate a sense of place based on respect for the natural, cultural and historic environment.

The Mad River Twp plan is consistent with our mission and our goals. Please respect the efforts of all the citizens of Mad River Twp that worked on this plan and responded to the survey. We request that you follow the recommendations of the Mad River Twp Planning Committee on this rezoning.

Cindy Young, Vice President (letter written at request of trustees)

## Board of Trustees

Jim Bennett

Tim Conrad

Jeff Dundon  
*Secretary*

Christine Hadley

Carol Hooker

Michael Horton

Bob Jurick  
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Tess Little

Marianne MacQueen  
*Chair*

Jim Mason

Howard White  
*Treasurer*

Cindy Young  
*Vice President*

PO Box 3  
Fairborn, OH 45324-0003  
937-878-6060

[info@bwgreenway.org](mailto:info@bwgreenway.org)  
[www.bwgreenway.org](http://www.bwgreenway.org)

## Rezoning Case # Z-2005-7

To: Clark County Rural Zoning Commission	Date of Meeting: September 14, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** C. Merrill & L. Joy Flory, Trustees

**Request Action:** Rezone **from - A-1** (Agriculture District)  
**to - R-2** (Low Density Single-Family Residence District)

**Purpose:** To develop single-family residential subdivision

**Location:** 5779 Enon-Xenia Road

**Size:** 14.79 Acres

**Existing Land Use:** Residential

### Surrounding Land Use and Zoning:

	Land Use	Zoned
<b>North</b>	Agriculture & Residential	A-1 (Agricultural) & R-2 (Low Density Residential)
<b>South</b>	Agriculture & Residential	A-1 (Agricultural) & Greene County, Bath Twp.
<b>East</b>	Agriculture & Residential	A-1 (Agricultural) & R-1 (Rural Residential)
<b>West</b>	future Residential & Agriculture	R-2 (Low Density Residential) & A-1 (Agricultural)

### ANALYSIS

This area was zoned A-1 Agricultural when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the rezoning request by Mr. Meririll Flory, the County Engineer has reviewed the property located along the west side of Enon Xenia Road, north of Wilkerson Road (Greene Co.) from A-1 Agricultural to R-2 Low Density Single Family Residential District. Our review comments are based upon the premise that this property will likely be combined for development with the Bluffs at Hunters Glen.

Access to a public roadway is directly available off Enon Xenia Road, but preferred from Bluff Boulevard, a proposed collector street off Enon Xenia Road with an approved access location.

Drainage appears adequate under the present agricultural use. If developed in a similar manner like the Bluffs, there is sufficient detention available on the tract to the south. Additionally, the existing pond on site may be utilized for the storage.

The County Engineer has no objection to the proposal to rezone the above property. *(See August 17, 2005 letter)*

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

#### **Soils**

- Miamian soil is gently sloping and well drained. This soil is not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Celina soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (70) since costs of measures for overcoming soil limitations are high. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness.

#### **Drainage**

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

This office does not object to the proposed rezoning request, providing the owner addresses the above issues. *(See August 16, 2005 letter)*

### ***Combined Health District***

No report. The proposed development will utilize public sewer and water.

### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is not currently available to the property. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water at some future date.

Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above. *(See August 26, 2005 letter)*

### ***Mad River Township Planning Committee***

The Mad River Township Planning Committee notes that two issues are unresolved as relates to availability of public sewer and water. The Committee reminds the Clark County Planning Committee that this action cannot be acted upon until the two points are clarified. (*See August 31, 2005 letter for exact wording*)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

The application notes that the owner plans to develop this property into with similar lot size and type of homes located at the Bluffs at Hunters Glenn. Approval by the Village of Enon will be necessary to utilize their public water supply. It is our understanding they are in contact with the Village of Enon concerning this matter.

## **RECOMMENDATION**

This request is in conformance with the **CROSSROADS** Comprehensive Plan. Since the applicant has indicated a lot density consistent with half acre lots but the R-2 Zoning District allows a lot size of 12,000 sq. ft. (or quarter ac.), we feel it would be appropriate to approve an R-2'S' with a "Specific Use" of no more than 23 single-family residential lots based on:

14.79 ac. request  
- 2.22 ac. R-O-W (15% approx.)  
12.57 ac.  
- 1 ac. for drainage (existing pond area)  
11.5 ac. buildable area = 23 half acre lots

### **Clark County Planning Commission**

*Meeting Date: September 7, 2005*

Motion by Mrs. Rollins, seconded by Mr. Cordle to recommend **approval** to the Rural Zoning Commission for the request by C. Merrill & L. Joy Flory, Trustees to rezone 14.79 acres located at 5779 Enon-Xenia Road, Mad River Township from A-1 (Agriculture District) to R-2 (Low Density Single-Family Residence District).

**VOTE:** Yes: Mr. Bicknell, Mr. Cordle, Mr. Perkins, Mrs. Rollins, and Mrs. Stevenson.  
Abstain: Mr. Jurick.  
Pass: Mr. Hartley and Mr. Tackett.

Motion carried.

#### Attachments:

County Engineer's letter

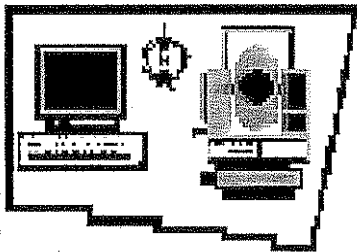
Soil Conservation District's letter

Applicant's letter

Mad River Township Planning Committee letter

Location Map

Zoning Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountvohio.gov/engineer](http://www.clarkcountvohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request Z-2005-7,  
14+ acres from A-1 to R-2  
Enon Xenia Road

Mr. Tritle,

Pursuant to the rezoning request by Mr. Meririll Flory, the County Engineer has reviewed the property located along the west side of Enon Xenia Road, north of Wilkerson Road (Greene Co.) from A-1 Agricultural to R-2 Low Density Single Family Residential District. Our review comments are based upon the premise that this property will likely be combined for development with the Bluffs at Hunters Glen.

Access to a public roadway is directly available off Enon Xenia Road, but preferred from Bluff Boulevard, a proposed collector street off Enon Xenia Road with an approved access location.

Drainage appears adequate under the present agricultural use. If developed in a similar manner like the Bluffs, there is sufficient detention available on the tract to the south. Additionally, the existing pond on site may utilized for the storage.

The County Engineer has no objection to the proposal to rezone the above property.

Sincerely,

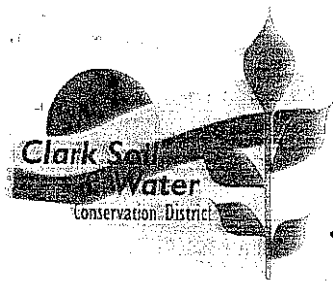
Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer





4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

---

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attn: Phil Tritle

Re: Z-2005-7~Rezoning 14.8 acres, A1 to R2  
C. Merrill Flory ~ 5779 Enon-Xenia Rd.~ MR Twp.

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Miamian soil is gently sloping and well drained. This soil is not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Celina soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (70) since costs of measures for overcoming soil limitations are high. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness.

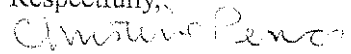
**Drainage**

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

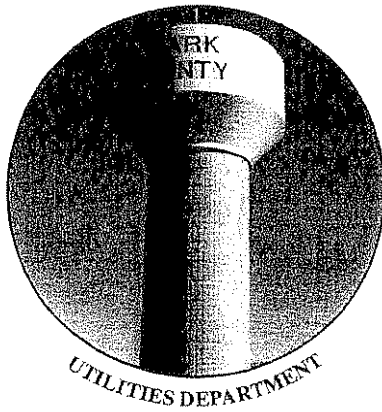
This office does not object to the proposed rezoning request, providing the owner addresses the above issues.

Respectfully,

A handwritten signature in cursive script that reads "Christine Pence".

Christine Pence, CPESC

Urban Coordinator



# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-7, 5779 Erion-Xenia  
Road (14.79 ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is not currently available to the property. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water at some future date.

Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above.

Sincerely,

Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

August 31, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506-2268

RE: Rezoning Case Z-2005-7, C. Merrill Flory and L. Joy Flory

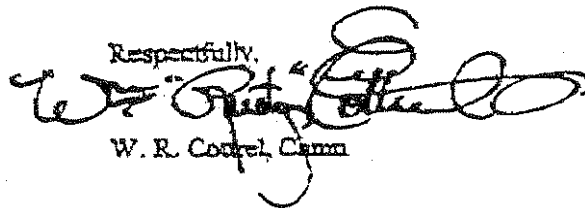
Dear Sirs:

The Mad River Township Planning Committee has reviewed this request. The Committee notes two impediments which must be resolved before the Clark County Planning Commission can recommend acceptance or rejection.

1. The attorney's letter attached to this request indicated: "Water is available through the Village of Enon." The Village of Enon only sells water deemed surplus through a resolution by the Village Council. Such a resolution was not attached to the rezoning application, and the Mad River Planning Committee is unaware of the Enon Village Council passing such a resolution.
2. In a like manner, the attorney's letter indicated: "The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County." While this land is in an area served by the Southwest Sewer District. The Committee questions if the Southwest Sewer District has sufficient capacity to serve the homes that will be erected on this property. The Committee noted that several years ago a proposed development of 312 homes by White Oak Communities in the general area was restricted to 165 homes because of limited capacity in the Southwest Sewer District. Since the capacity of the Sewer District has not changed and other industrial and residential development has occurred since the White Oak proposal, it is unclear to the Committee if sufficient capacity exists to support the homes that will be erected as a result of this rezoning. The capacity of the Sewer District must be determined.

The Mad River Township Planning Committee reminds the Clark County Planning Committee that this action cannot be acted upon until the two points discussed above are clarified. If either water or sewer is not available, the Committee believes the Planning Commission must recommend rejection of this request to the Clark County Rural Zoning Commission.

Respectfully,



W. R. Cozart, Clerk

JAMES F. PEIFER

ATTORNEY AT LAW  
SUITE 300, THE EDISON CENTER  
20 SOUTH LIMESTONE STREET  
P. O. BOX 1087  
SPRINGFIELD, OHIO 45501-1087  
TELEPHONE 937-325-7365  
TELEFAX 937-325-9584

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

THOMAS T. TAGGART  
(1926-1988)  
RICHARD H. WEHLER  
(1924-1992)

August 9, 2005

BOARD OF CLARK COUNTY  
COMMISSIONERS  
50 E COLUMBIA ST  
SPRINGFIELD OH 45502

Members of the Commission:

Transmitted herewith is the request of C. Merrill Flory and L. Joy Flory, Trustees to rezone approximately 14.79 acres of real estate situated in Mad River Township from its current A-1 County zoning classification to an R-2 single family residence zoning classification. Enclosed with this application are two copies of a map showing the property to be rezoned highlighting the area to be rezoned marked Exhibit A-1, two copies of a tax map showing the 200 foot radius marked Exhibit A-2, copies of the various deeds comprising the property sought to be rezoned labeled as Exhibit B, a list of all surrounding property owners located within 200 feet of the area sought to be rezoned marked as Exhibit C and the required application fee.

The property is located near areas of concentrated single family development and agriculture land. It is adjacent to The Bluffs at Hunters Glenn Subdivision and is located in close proximity to Green Meadows and Hunters Glenn Subdivision. The owners plan on developing the territory sought for rezoning into lots with single family homes on them similar in lot size and type as the homes located at the Bluffs at Hunters Glenn Subdivision.

The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County. Water is available through the Village of Enon. The Village of Enon is in the process of erecting a water tower in the immediate area which will serve to provide water for this development and others contemplated in the immediate area.

The property is shown on the Crossroads Comprehensive Plan as medium density residential. The requested zoning classification is for medium density residential consistent with the availability of sewer and water and is consistent with the Crossroads Comprehensive Plan.

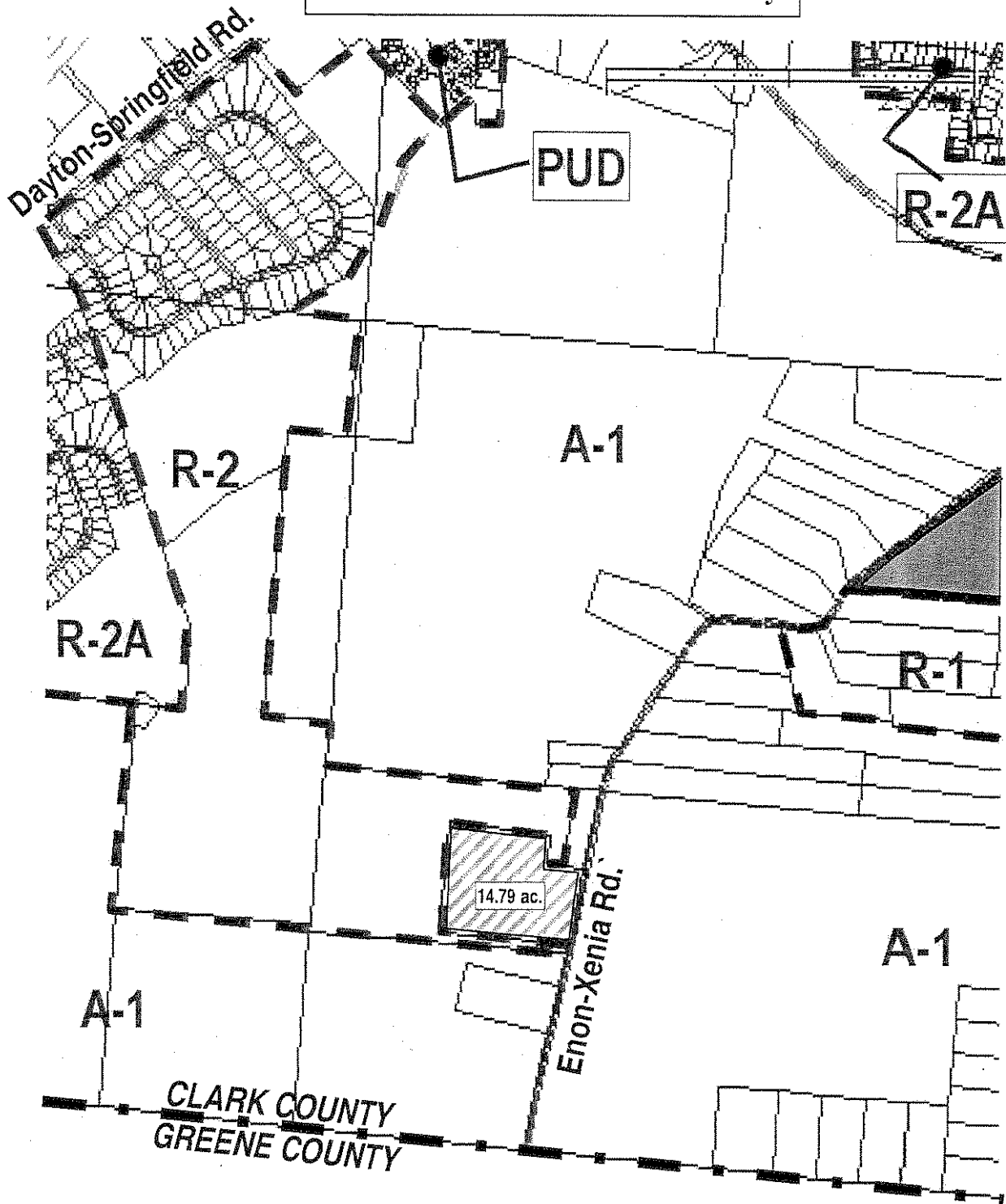
# LOCATION MAP



**REZONING CASE # Z-2005-7 A-1 to R-2**

# Zoning Map

Does not show Flood Plain Overlay



REZONING CASE #Z-2005-7

A-1 to R-2

5779 Enon-Xenia Rd.

14.79 $\pm$  ac.

Mad River Twp.

**Subject:** for MARY TREADWAY SEPT. 1 2005

COMCERNING THE REQUEST TO REZONE APPROXIMATELY 14.79 ACRES LOCATED AT 5779 ENON – XENIA IN MAD RIVER TOWNSHIP FROM A-1 (AGRICULTURAL DISTRICT ) to r-2 (low density single – family residence district) THAT MERRILL FLORY HAS REQUEST.

HOW LARGE OF RESIDENCE AND WHAT SIZE LOT WILL THEY HAVE?

WHERE WILL THE ROAD BE GOING IN TO GET TO THESE HOUSE. I WILL NOT SELL ANY OF MY PROPERTY TO GIVE THEM A ROAD.

WHERE IS THE WATER COMING FROM. I HAVE WELL WATER AND I DON'T WANT IT TO EFFECT MY WATER SUPPLY.

WHERE IS THE SEPTIC AND SEWER GOING TO BE. SOMETHING ELSE THAT MIGHT EFFECT MY WATER

MARY TREADWAY  
571LL ENON XENIA ROUTE ONE  
FAIRBORN , OHIO 45324

1-937- 864-7490

*I Mary Treadway oppose this because of these  
reason I'm not for it. I am aganist it*



# CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

## A-1

PRINCIPAL PERMITTED AND CONDITIONED USES:	
1. Agriculture, Farm Markets, & related buildings & structures	
2. Agricultural-Related Processing & Marketing	
3. Single-Family Residential	
4. Single-Family Residential (restricted to lotsplits)	
5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)	
6. Private Landing Field	
7. Day-Care Homes	
8. Bed and Breakfast	
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	
1. Home Occupations	
2. Private and Public Outdoor Recreation Areas	
3. Cemeteries	
4. Animal Hospitals, Veterinary Clinics & Kennels	
5. Resource and Mineral Extraction	
6. Demolition Disposal Facility	
7. Airports	
8. Radio, Television, & Telecommunications Transmission & Receiving Towers	
9. Hospitals and Auxiliary Facilities	
10. Group Care Home	
11. Nursing Homes, Convalescent Homes, & Rest Homes	
12. Feed Lot, Grain Elevators, & Slaughterhouses	
13. Day-Care Centers	
14. Churches and Similar Places of Worship	
15. Primary and Secondary Schools	
16. Institutions of Higher Learning	
17. Garden Centers and Greenhouse	

## AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR-1	AR-2	AR-5	AR-10	AR-25
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y
2. Single-Family Residences	Y	Y	Y	Y	Y
3. Day-Care Homes	Y	Y	Y	Y	Y
4. Bed and Breakfast	Y	Y	Y	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	AR-1	AR-2	AR-5	AR-10	AR-25
1. Home Occupations	Y	Y	Y	Y	Y
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y
3. Primary and Secondary Schools	N	Y	Y	Y	Y
4. Institutions of Higher Learning	N	N	Y	Y	Y

## R-1, R-2, R-2A, R-2B

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-1	R-2	R-2A	R-2B
1. Single-Family Dwellings	Y N N N	Y Y N N	Y Y N N	Y Y Y Y
2. Bed and Breakfast	Y N N N	Y Y N N	Y Y Y N	Y Y Y Y
3. Agriculture and Related Buildings and Structures	--	--	--	--
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-1	R-2	R-2A	R-2B
1. Home Occupation	Y	Y	Y	Y
2. Churches & similar places of worship	Y	Y	Y	Y
3. Primary & Secondary Schools	Y	Y	Y	Y
4. Institutions of Higher Learning	Y	N	N	N
5. Hospitals & Auxiliary Facilities	Y	Y	Y	N
6. Group Care Homes	Y N N N Y	Y Y N N Y	Y Y N N Y	Y Y Y Y N
7. Farm Markets	Y	Y	Y	Y
8. Cemeteries	Y	N	N	N
9. Day-Care Homes	Y N N N Y	Y Y Y Y Y	Y Y Y Y Y	Y Y Y Y Y
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	N
11. Radio, Television & Telecommunication Transmission / Receiving Towers	Y	N	N	N
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y

## R-MHP

PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted)      N = No (Not Permitted)

## R-3 & R-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-3	R-4
1. Single-Family Dwellings	Y	Y
2. Two-Family Dwellings	Y	Y
3. Three-Family Dwellings	N	Y
4. Four-Family Dwellings	N	Y
5. Multiple-Family Dwellings	N	Y
6. Condominium Residences	N	Y
7. Agriculture and Related Buildings & Structures	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-3	R-4
1. Zero Lot Line, Cluster, Detached, Semi-detached, or Attached Dwellings, or other housing types of a similar character	Y	Y
2. Home Occupation	Y	Y
3. Churches & similar places of worship	Y	Y
4. Group Care Homes	Y	Y
5. Day-Care Homes	Y	Y
6. Day-Care Centers	N	Y
7. Community Facilities	N	Y

## PD

PRINCIPAL PERMITTED USES:
1. PD-R (Residential)
2. PD-O (Office)
3. PD-B (Business)
4. PD-I (Industrial)
5. PD-M (Mixed Uses)
6. PD-C (Conservation)
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupation

# CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

## B-1, B-2, B-3 & B-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	B-1	B-2	B-3	B-4
1. Business and/or Professional Offices	Y	Y	Y	Y
2. Banks & Financial Institutions	Y	Y	Y	Y
3. Eating & Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y
5. Funeral Homes & Mortuaries	Y	Y	Y	Y
6. Automotive Service Stations	Y	Y	Y	Y
7. Custom Butcher Shops	Y	Y	Y	Y
8. Indoor Motion Picture Theaters	N	Y	Y	Y
9. Retail Food Stores	N	Y	Y	Y
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments	N	Y	Y	Y
11. Garden Centers, Greenhouses	N	Y	Y	Y
12. Automotive Repair Garages	N	Y	Y	Y
13. Car Washes	N	Y	Y	Y
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	N	Y	Y	Y
15. Automotive & Auto Accessory Sales	N	Y	Y	Y
16. Building and Related Trades	N	Y	Y	Y
17. Commercial Recreation Establishments	N	Y	Y	Y
18. Animal Hospitals, Veterinary Clinics, and Kennels	N	N	Y	Y
19. Building Material Sales Yard	N	N	Y	Y
20. Drive-In Motion Picture Theater	N	N	Y	Y
21. Private and Public Outdoor Recreation Areas	N	N	Y	Y
22. Motels and Hotels	N	N	Y	Y
23. Hospitals & Auxiliary Facilities	N	N	Y	Y
24. Automotive Body Shop	N	N	Y	Y
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	N	N	N	Y
26. Bottling of Soft Drinks and Milk or Distributing Stations	N	N	N	Y
27. Contractor's Equipment Storage Yard or Storage & Rental Contractor's Equipment	N	N	N	Y
28. Motor Vehicle, Boat, & Camper Storage	N	N	N	Y
29. Trucking and Motor Freight Station or Terminal	N	N	N	Y
30. Carting, Express, or Hauling Establishments	N	N	N	Y
31. Stone or Monument Works	N	N	N	Y
32. Mini-Warehouse or Self Storage Facilities	N	N	N	Y

## B-1, B-2, B-3 & B-4

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	B-1	B-2	B-3	B-4
1. Commercial Recreation Establishments	Y	--	--	--
2. Day-Care Centers	Y	Y	Y	Y
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	--	--
6. Bars and Taverns	N	Y	Y	Y
7. Wholesale Establishments	N	N	Y	Y
8. Adult Entertainment Establishments	N	N	N	Y

## I-1

PRINCIPAL PERMITTED AND CONDITIONED USES:
1. Industrial & Manufacturing Establishments
2. Warehouses
3. Wholesale Establishments
4. Manufacturing Retail Outlets
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District
2. Junkyards & Automobile Wrecking Yards
3. Resource and Mineral Extraction
4. Penal & Correctional Facilities
5. Sanitary Landfills

## O-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O-1	OR-2
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N
2. Banks and Financial Institutions	Y	N
3. Law, Real Estate, and Insurance Offices	Y	N
4. Business Service Establishments	Y	N
5. Single-Family Dwellings	N	Y
6. Incidental Business Uses	N	Y

Y = Yes (Permitted)

N = No (Not Permitted)